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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,072	03/31/2004	Serge Lamoureux	16482-1 US GH/mb	4651
20988	7590	06/06/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/813,072

Applicant(s)

LAMOUREUX ET AL.

Examiner

Ajay Vasudeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/31/2004</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification (on page 1, ¶ 002) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Drawings*

2. Applicant is requested to provide formal drawings in compliance with 37 CFR 1.121(d) because the drawings filed 3/31/2004 appear to be informal drawings.

### *Specification*

3. The following corrections are recommended:
- On page 2 (¶ 007), page 5 (¶ 0014), page 6 (¶ 0015), and page 13 (line 4), a typographical error should be corrected by changing "**thraugh**" to – **trough** --.
  - On page 4 (line 16), after "view of the", change "**connector**" to – **fastener** --.
  - On page 4 (line 17), after "modification of the", change "**connector**" to – **fastener** --.

### *Claim Objections*

4. Claims 1, 4, 6, 8, 10 are objected to because of the following informalities:
- In claim 1 (line 7), change "**thraugh**" to – **trough** – to correct the typographical error.

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- In claim 1 (line 7), change “**entry way**” to – **entryway** – to correct a typographical error, and for consistency with a recitation on line 11.
- In claim 3 (line 2), before “forward entry”, change “**slopped**” to – **sloped** –.
- In claim 3 (line 2), after “forward”, change “**entry way**” to – **entryway** –.
- In claim 3 (line 2), after “upwardly”, change “**slopping**” to – **sloping** –.
- In claim 4 (line 2), change “**thraugh**” to – **trough** –.
- In claim 4 (line 4), before “hull”, change “**slopped**” to – **sloped** –.
- In claim 6, change the claim dependency to depend from claim 4.
- In claim 8, change the claim dependency to depend from claim 7.
- In claim 8 (line 2), change “**hove**” to – **bore** – (two occurrences)
- In claim 9, change the claim dependency to depend from claim 7.
- In claim 9 (line 4), after “said threaded”, it appears that “**next**” should be changed to – **connector insert** --.
- In claim 10 (line 2), after “each project”, change “**form**” to – **form** --.

Applicant is advised to conduct a spelling check and verify that all claims dependencies are proper. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7, 10-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rueckert (US 5,941,660 A) in view of Neitzke et al. (US 5,281,055 A).

Rueckert ('660) shows a support platform [16] having an elongated rectangular casing dimensioned to support a watercraft elevated from a surrounding water surface (*figure 2*). The casing has opposed substantially parallel sidewalls [76, 78], and an elongated central ramp [94] formed integrally in a top surface of the casing. The casing is a molded casing (col. 12).

The ramp has a trough-like upper surface with a sloped forward entryway [98] terminating in a lower edge. Although the lower edge is coplanar with the front wall [96] and does not extend forward of the front wall, the lower edge projects forward at least with respect to several other components of the casing, such as the back wall [82]. Therefore, the lower edge is also considered to be a "*lower forward projecting edge*"

One embodiment of the casing shows provision of connectors [176] in the form of cylindrical channels in the opposed sidewalls for a rigid interconnection with a plurality of flotation casings by fastening means [140] to form a floating dry dock on a water surface (see col. 10, lines 14-20; and figures 12-19).

Rueckert, however, is silent on the provision of integrally formed flotation chambers in the casing.(claim 1), or the chambers extending on opposed sides of the ramp (claim 2).

Neitzke et al. shows a support platform [10] having an elongated rectangular casing. The flotation casing has elongate struts stretching from the bottom surface to the top surface of the casing for providing structural support to a top surface of the casing (col. 3, lines 7-13). The

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struts thereby divide the flotation casing into integrally formed flotation chambers that extend on opposed sides of the ramp (figure 3)

It would have been obvious for one skilled in the art at the time of the invention to provide supporting struts within the casing of Rueckert, as taught by Neitzke et al. Having such struts would have provided additional structural support to the top surface of the casing, and prevented sagging of the surface even after extended use or when supporting heavy loads.

Re claim 5, the sloped forward entryway is provided with sloped sidewalls (fig. 8) to form a u-shaped depression atop the forward edge. Such depression is considered equivalent to a guide cavity that is disposed on top of the forward edge. Therefore, the forward edge is considered provided with a "guide cavity" for guiding a watercraft, even though the guide cavity is not cut out in the forward edge itself.

Re claims 7 and 10, the casing shows connectors provided with projecting tabs extending along open slots [178] (see fig. 14), and the connector also having a through bore extending through it. Re claim 10, when the channel of the connector receives a fastener, such channel becomes reinforced to be a "reinforced channel formation", even though the walls of the channel itself are not reinforced.

Re claim 11, flange connectors [192] extend from sidewalls of a plurality of casings.

Re claim 12, the casing is provided with a coupling cavity in a lower section (see fig. 5).

Re claim 15, bolt fasteners [112] with flared heads (col. 7, line 50) are provided to fit in conical depressions of the casing (fig. 3-5; col. 6, line 61; and col. 7).

7. Claims 4, 6, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rueckert ('660) in view of Neitzke et al. ('055), and further in view of Hillman et al. (US 6,006,687 A).

Rueckert ('660), modified by Neitzke et al. ('055), shows a support platform casing, as above.

However, modified Rueckert does not show a deep V-shaped depression with sloping walls (claim 4), or a winch mechanism (claim 13).

Hillman et al. ('687) shows a support platform casing provided with a deep V-shaped depression with sloping walls (fig. 1) to securely accommodate watercraft of all types of hull (col. 1, lines 60-65), and a winch mechanism [22] (figure 1) mounted on a post to assist pulling the boat on the platform (col. 3, lines 46-59; and col. 9, lines 26-34).

It would have been obvious for skilled in the art at the time of the invention to provide a v-shaped depression in the upper surface of the casing of Rueckert ('660), as modified by Neitzke et al. ('055), as taught by Hillman et al. Having such depression would have allowed boats with different types of hull to be snugly accommodated without permitting the hulls to sway too much. Re claim 6, it is noted that the casing of modified Rueckert would have elongate struts stretching from the bottom surface to the top surface, as described in the previous section of this Office Action, which would have provided a central reinforcement to the bottom wall section.

Further, it would have been obvious for skilled in the art at the time of the invention to provide a winch mechanism mounted on a post for the casing of modified Rueckert ('660), as

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taught by Hillman et al. Having such mechanism would have allowed one to easily and safely pull a boat on to the platform. Re claim 14, the limitation "post providing attachment of a winch line to discharge a watercraft...by use of the winch" is merely an intended use. The winch line of the winch post is capable of assisting discharging of a boat if the line is passed under the platform and tied to the rear of the boat, and therefore meets the requirement of the claim.

### ***Allowable Subject Matter***

8. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The prior art references cited in the attached PTO Form shows flotation casings.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

Ajay Vasudeva  
Examiner  
Art Unit 3617

  
AJAY VASUDEVA  
PATENT EXAMINER 5/13/2005